

**CDS Norms on Sexual Harassment and
Procedures of the Committee Against Sexual Harassment (CASH)**

A. Definition

1. Sexual Harassment:

Any unwelcome sexually motivated behaviour, whether directly or by implication involving physical contacts or advances, demand for sexual favours, sexually-tainted remarks, show off pornography and other unwelcome physical, verbal or non-verbal expression of a sexual nature.

2. Scope:

*The provision of these rules and procedures shall apply to all students and academic and non-academic staff on active rolls of Centre for Development Studies
These rules and regulations shall be applicable to all complaints of sexual harassment made by:*

- (i) a student against a member/members of academic or non-academic staff or co-students **or**
a member of the academic or non-academic community against a student/ students or another member of the academic or non-academic community, irrespective of where the alleged harassment is reported to have taken place;
- (ii) a service provider or an outsider against a student/students or a member/ members of the academic or non-academic staff **or**
a student or a member of academic or non-academic staff against an outsider or service provider, if the alleged sexual harassment is reported to have taken place within the campus.

B. Composition of CASH and Procedure:

Composition:

- a. The Committee shall comprise:
 - 1. Two faculty members (comprising at least one a woman)
 - 2. Two students (comprising at least one woman)
 - 3. Two non-teaching staff members
 - 4. The warden
 - 5. One woman representative of an NGO
- b. The number of women members should not be less than one-half of the total member of members in the Committee.

- c. The nomination procedure shall be completed by the month of December each year.
- d. The panel of NGOs, from which a representative is chosen, shall be updated on a continuous basis.
- e. The tenure of members (other than the warden and the NGO representative) shall be one Calendar Year. Nomination of a member for more than one term is allowed.
- f.
 - i. A woman faculty member shall act as the Chairperson of the Committee
 - ii. In the absence or inability of the Chairperson, another woman member shall act as acting Chairperson and she shall have all the powers of the Chairperson.
 - iii. A member shall be disqualified if any complaint arises against him/her on sexual harassment or a case of sexual harassment is pending against him/her or if he/ she is found guilty of sexual misconduct.
 - iv. A member ceases to be a member if he/she absents himself/herself in three consecutive meetings.
 - v. A member may resign office-tendering resignation to the Chairperson and cease to be a member from the date of acceptance of resignation.
 - vi. A vacancy arising out of consecutive absence/resignation shall be filled in eight weeks of the date of occurrence of the vacancy.
 - vii. The Committee against sexual harassment (CASH) shall meet at least two times in a semester, the gap between two successive meetings not exceeding three months.
 - viii. The quorum of the meeting shall be not less than one third of the total number of members.
 - ix. The CASH shall conduct an annual meeting to report its activities to the campus community.

2. Functions

Mediation of crises arising out of incidence of sexual assault or sexual harassment occurring in the campus, overview of campus security services to ensure prompt intimation to the CASH of all incidents of alleged sexual harassment, organization of training programmes for the staff and the students of CDS to equip them for handling sexual harassment cases and assistance to aggrieved parties in the campus to make complaints to suitable authority in deserving cases.

3. Filing of complaints

- a. Complaints of sexual harassment shall be lodged with the Committee after intimating the warden or with the Committee through the Director or the head

of the administration. Such complaints should be taken up by the Committee for resolution through mediation, conciliation or other legal remedy, as promptly as possible, but by not later than two days after the complaint on the alleged incident is received.

- b. The complaints may be made orally or in writing.
- c. Normally, a complaint should be lodged within a week after the incident. In special circumstances, the time limit for the submission of complaints may be extended to a month. The special circumstances that led to the granting of such extension should be recorded by the CASH.
- d. The complainant is at liberty to withdraw the complaint at any stage of enquiry, provided such withdrawal is made independently and under free will. The enquiry may be terminated on receipt of the request for such withdrawal.
- e. A restraint order may be served on the accused, giving him/her a summary of the complaint and warning him/her against making any attempt to exert pressure on the complainant or any other person involved in dealing with the complaint.
- f. The complainant may bring to the notice of the Committee attempts if any made by the accused to violate the order.
- g. The Committee is empowered to terminate the enquiry proceeding and to give *ex-parte* decision on the complaint, on valid legal grounds.
- h. The Committee may appoint an enquiry committee to make investigations into the complaint if deemed necessary. The enquiry committee shall comprise three members of CASH, of which one member shall be a woman. The NGO Representative and the member representing the consistency of the complainant shall also be members of the enquiry Committee.
- i. No member of the enquiry committee shall be the complainant, a witness or the accused.
- j. The enquiry committee may co-opt the services of any person, which it is satisfied, has demonstrable sensitivity to gender issues to be on the enquiry committee, but not as a regular member of the enquiry committee.
- k. The enquiry committee shall enquire into the complaint, observing the principles of natural justice and maintaining the norms of gender sensitivity and arrive at a decision, taking cognisance of all aspects of the incident, the time, place and the context.
- l. It shall submit a detailed report communicating its findings based on its investigations. CASH shall pronounce its verdict, whether the accused is/are guilty or not guilty. The committee in cases in which the accused is/are found guilty, should indicate the gravity of the offence, whether it is major, serious or minor.
- m. The enquiry committee shall complete the enquiry in the shortest possible time, not exceeding a month from the date on which the complaint is referred to it, except for special reasons.

- n. The complainant/s and the accused shall be given reasonable opportunity to present and defend their cases. Witnesses may be called if-deemed necessary. The past sexual history of the complaint shall not be probed into and considered of any value to decide on the complaint. In case the accused fail/s to attend consecutively for three hearings despite call notices for the same, the enquiry may be terminated and the decision taken on the complaint on *ex-parte* basis.
- o. Counselling services may be made available to the victims and the accused, on request.
- p. If the complainant, the accused and the witnesses desire to be accompanied by a companion of their choice, they may be permitted to do so, provided the person so chosen will have only observer status and shall leave the meeting after making his/her testimony.
- q. The complainant and the accused shall have the right of cross-examination of all witnesses.
- r. The enquiry committee shall have the right to disallow questions from the victim or the accused, if the questions are deemed irrelevant and unnecessary.
- s. All persons heard by the enquiry committee, as well as observes, shall take and observe an oath of secrecy about the proceedings.

1. Redressive action:

CASH should pass on the findings of the enquiry committee to the Director, CDS, for taking appropriate redressive action: If the Director finds that there are lacunae in the Report, he may order for a review of the Report by the enquiry committee

C Penalties

The range of penalties from which CDS may pick up the suitable one in individual cases, is indicated below.

(a) For Faculty:

- i. Warning, Reprimand or Censure
- ii. Withholding of increment/s for a period of one year
- iii. Removal from administrative responsibilities of CDS
- iv. Disbarment from administrative positions
- v. Suspension from service for a limited period
- vi. Compulsory retirement
- vii. Dismissal from service
- viii. Entry of penalty awarded in his/her confidential record

(b) Non-teaching staff

- i. Warning, Reprimand or Censure
- ii Withholding of one or more increment/s for a period of one year
- iii Suspension from service for a limited period

- iv Compulsory retirement
- v Dismissal from service
- vi Entry of penalty awarded in his/her confidential record

(c) For students

- i. Warning or Reprimand
- ii. Withdrawal of hostel accommodation for a period up to one semester
- iii. Withdrawal of the right to an official character certificate
- iv. Withdrawal of hostel accommodation for the entire period of study
- v. Rustication from Programme for a period of up to two semesters.
- vi. Expulsion from CDS
- vii. Withholding of degree awarded by JNU
- viii. Entry of the penalty awarded in his/her personal file

D. False Complaint

1. If the enquiry committee finds no merit in a complaint, the Chairperson of CASH may issue a show-cause notice to the complainant requiring him/her to explain within three days as to why disciplinary action should not be taken against him/her. In the event of a negative insufficient or unconvincing explanation, CASH shall pass on the papers to the Director, CDS for imposing an appropriate penalty in order to exclude the possibility of recurrence of such motivated complaints.
2. In complaints involving teachers and students, the teacher shall not teach or supervise the work of the student concerned during the period of enquiry and pendency of the decision on the case. Members of the academic and /or non-academic staff involved in such complaints either as the victim or the accused shall not write the confidential reports of the complainant or the victim during the pendency of the case.
3. In case the complainant is dissatisfied with action taken by the Committee on the complainant or with the decision of the Committee in the case, he/she shall have the right of appeal to the Director, CDS. The Director may place the appeal to a duly constituted appeal committee, which shall comprise a person nominated by the Committee of Direction, the Chair Person of CASH, and a woman member of the academic staff. The appeal committee may ask the appellant to depose before it. It has the power to summon any other person for deposition if deemed necessary. The appeal committee shall report its decision to CASH for further steps to be taken, if any.

E. General Rules:

Service rules of CDS should incorporate acts of sexual harassment as possible ground for disciplinary action. In the case of students, the brochure/handbook

provided to them at the time of admission should contain a reference to CDS rules against sexual harassment.

F. Miscellaneous

The provision of these rules and procedures shall be duly incorporated in the statutes, circulars and ordinances of CDS. They shall not be affected by any other proceedings against the accused. They shall not restrict the process of CDS or the complainant to proceed against the accused for any other misconduct or pursue criminal or civil remedies.